

**UNITED STATES COURT OF APPEALS**  
**TENTH CIRCUIT**

**August 18, 2005**

**PATRICK FISHER**  
Clerk

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KENNETH D. HILL,

Petitioner - Appellant,  
v.

JOHN WHETSEL,

Respondent - Appellee.

No. 05-6104  
(D.C. No. 04-CV-1697-C)  
(W.D. Okla.)

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**ORDER**

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Before **EBEL**, **McKAY** and **HENRY**, Circuit Judges.

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Petitioner-Appellant Kenneth D. Hill, who has been detained pending his trial in Oklahoma state court on criminal charges, appeals from the district court's dismissal of his 28 U.S.C. § 2241 petition for habeas relief.<sup>1</sup> Hill's § 2241 petition asserts various complaints, including allegations that there were delays following his arrest in holding a probable cause hearing, instituting formal charges, and conducting an arraignment. The district court dismissed Hill's petition because he failed to exhaust the available state court remedies.

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<sup>1</sup>We GRANT Hill's motion to proceed in forma pauperis on appeal. See 28 U.S.C. § 1915(a)(1).

A state detainee bringing a § 2241 claim must be granted a certificate of appealability (“COA”) prior to being heard on the merits of his or her appeal. See Montez v. McKinna, 208 F.3d 862, 867-69 (10th Cir. 2000). Because the district court denied Hill a COA, we deem Hill’s notice of appeal to be a renewed application for a COA. See Fed. R. App. P. 22(b)(2). However, we DENY Hill a COA for substantially the reasons stated by the district court in its orders dismissing Hill’s § 2241 petition and denying Hill a COA. Therefore, we DISMISS Hill’s appeal.<sup>2</sup>

ENTERED FOR THE COURT

David M. Ebel  
Circuit Judge

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<sup>2</sup> In light of our disposition of Hill’s appeal, we DENY as MOOT the other motions that Hill has filed.